THE HON'BLE SRI JUSTICE C.V. RAMULU

W.P.No.11645 of 1998

ORAL ORDER:

This writ petition is filed being aggrieved by the award passed in I.D.No.11 of 1995 dated 14.2.1997 on the file of the first respondent-Labour Court, whereunder the petition filed by the petitioner under Section 2-A(2) of the Industrial Disputes Act, 1947 was dismissed.

Petitioner is the workman, second respondent is the management. It was the case of the petitioner that he was appointed as Senior Office Assistant in the second respondent organization with effect from 24.5.1985 on a consolidated pay of Rs.605/-, which was further enhanced to Rs.1060/-. While so, during the month of January, 1990 petitioner suffered with jaundice and as per the advice of the Doctors, he went to his native place Vizianagaram for getting treatment. The petitioner informed the respondent about his illness and applied for sick leave. Meanwhile, some of the persons who are enemically disposed of towards the petitioner, made false complaints against him and basing on that, explanation was called for from the petitioner. Petitioner submitted his explanation, but without considering the same, his services were terminated by order dated 12.3.1990. Therefore, he raised a dispute under Section 2-A(2) of the I.D. Act before the Labour Court. The respondent-management filed a detailed counter stating that the petitioner was not an employee of the respondent organization. He was only an agent worked on commission basis. Therefore, the very petition was not maintainable. Before the Labour Court, petitioner examined himself as W.W.1 and marked documents Exs.W1 to W12. On behalf of management, M.Ws.1 to 4 were examined and documents Exs.M1 to M13 were marked. After a detailed consideration of both oral and documentary

evidence, the Labour Court came to the conclusion that the petitioner was not an employee of the respondent organization and he was only an agent, therefore he is not entitled for any relief as prayed for and thus dismissed the petition. Aggrieved by the same, the present writ petition is filed.

There is no necessity of going into all the details.

In the cross-examination, petitioner himself deposed that "it is a fact that I joined the respondent as agent at my instance". In view of this admission, the Labour Court has rightly come to the conclusion that the petitioner was only an agent and not an employee; therefore, he is not entitled for any relief. I am of the opinion that the Labour Court has not committed any error calling for interference of this Court under Article 226 of the Constitution of India. The writ petition is devoid of merits and liable to be dismissed.

Accordingly, the writ petition is dismissed. No order as to costs.

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C.V.RAMULU, J

Date: 30.4.2007

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THE HON'BLE SRI JUSTICE C.V. RAMULU

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W.P.No.11645 of 1998

30.4.2007

IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH
AT HYDERABAD

THE HON'BLE SRI JUSTICE C.V. RAMULU

W.P.No.11645 of 1998

Dated: 30th April 2007

Between:

K.Satyanarayana Rao

… Petitioner

and

The Labour Court-I, Hyderabad,
represented by its Presiding Officer
and another.

… Respondents